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## FISCAL IMPACT REPORT

SPONSOR Carraro DATE TYPED 2/3/05 HB \_\_\_\_\_

SHORT TITLE Remove Bone Marrow from Organ Definition SB SJM 12

ANALYST Weber

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General (AG)  
 Human Services Department (HSD)  
 Health Policy Commission (HPC)

### SUMMARY

#### Synopsis of Bill

Senate Joint Memorial 12 seeks the support of the New Mexico congressional delegation in removing bone marrow from the definition of human organs illegal to obtain for valuable consideration.

#### Significant Issues

The Attorney General reports:

The National Organ Transplant Act defines bone marrow as an organ that is unlawful to acquire for valuable consideration. This federal legislation was enacted to address a growing market for human organs and the inequitable distribution of available organs. Despite the federal effort, there are not enough donors to meet the demand for transplants.

The Health Policy commission contributes.

Leukemia, lymphoma, aplastic anemia, inherited disorders and many other diseases are treated with bone marrow transplants. Like blood, bone marrow is a replaceable organ and the human body regenerates bone marrow in approximately four weeks. It is difficult for patients requiring bone marrow transplants to find matching donors due to lack of people being tested.

### **OTHER SUBSTANTIVE ISSUES**

The Attorney General indicates there is federal legislation opposing this memorial. This is a controversial bioethical proposal. In addition, there is conflict with U.S.C. 274e(c) (1) (1994) that currently defines bone marrow as an organ.

The Health Policy Commission continues that a bone marrow transplant is a complex and difficult procedure used to treat life-threatening diseases like leukemia, however, the transplant can be lifesaving. Each year, thousands of African Americans, American Indian/Alaska Natives, Asian/Pacific Islanders and Hispanics are diagnosed with leukemia or other life-threatening blood diseases. For many, their only chance for survival is a marrow or blood stem cell transplant. Bone marrow transplants require matching certain tissue traits of the donor and patient. Because these traits are inherited, a patient's most likely match is another family member. If the patient has siblings, there is a 25% chance of matching the patient's tissue type with a sibling. 70% cannot find a match within their own families.

If there is not a family match, donor registries must be searched for possible volunteer matches. Because tissue types are inherited, patients are more likely to find a matched donor from their own racial or ethnic group. Black and African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, and Hispanic and Latino patients face a greater challenge in finding matching donors than white patients.

MW/yr